

EXHIBIT 5

Executive Committee

Filed: 5/28/2008

09500SB2400ham001

LRB095 19768 RPM 51505 a

1 AMENDMENT TO SENATE BILL 2400

2 AMENDMENT NO. _____. Amend Senate Bill 2400 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Biometric Information Privacy Act.

6 Section 5. Legislative findings; intent. The General
7 Assembly finds all of the following:

8 (a) The use of biometrics is growing in the business and
9 security screening sectors and appears to promise streamlined
10 financial transactions and security screenings.

11 (b) Major national corporations have selected the City of
12 Chicago and other locations in this State as pilot testing
13 sites for new applications of biometric-facilitated financial
14 transactions, including finger-scan technologies at grocery
15 stores, gas stations, and school cafeterias.

16 (c) Biometrics are unlike other unique identifiers that are

1 used to access finances or other sensitive information. For
2 example, social security numbers, when compromised, can be
3 changed. Biometrics, however, are biologically unique to the
4 individual; therefore, once compromised, the individual has no
5 recourse, is at heightened risk for identity theft, and is
6 likely to withdraw from biometric-facilitated transactions.

7 (d) An overwhelming majority of members of the public are
8 weary of the use of biometrics when such information is tied to
9 finances and other personal information.

10 (e) Despite limited State law regulating the collection,
11 use, safeguarding, and storage of biometrics, many members of
12 the public are deterred from partaking in biometric
13 identifier-facilitated transactions.

14 (f) The full ramifications of biometric technology are not
15 fully known.

16 (g) The public welfare, security, and safety will be served
17 by regulating the collection, use, safeguarding, handling,
18 storage, retention, and destruction of biometric identifiers
19 and information.

20 Section 10. Definitions. In this Act:

21 "Biometric identifier" means a retina or iris scan,
22 fingerprint, voiceprint, or scan of hand or face geometry.
23 Biometric identifiers do not include writing samples, written
24 signatures, photographs, human biological samples used for
25 valid scientific testing or screening, demographic data,

1 tattoo descriptions, or physical descriptions such as height,
2 weight, hair color, or eye color. Biometric identifiers do not
3 include donated organs, tissues, or parts as defined in the
4 Illinois Anatomical Gift Act or blood or serum stored on behalf
5 of recipients or potential recipients of living or cadaveric
6 transplants and obtained or stored by a federally designated
7 organ procurement agency. Biometric identifiers do not include
8 biological materials regulated under the Genetic Information
9 Privacy Act. Biometric identifiers do not include information
10 captured from a patient in a health care setting or information
11 collected, used, or stored for health care treatment, payment,
12 or operations under the federal Health Insurance Portability
13 and Accountability Act of 1996. Biometric identifiers do not
14 include an X-ray, roentgen process, computed tomography, MRI,
15 PET scan, mammography, or other image or film of the human
16 anatomy used to diagnose, prognose, or treat an illness or
17 other medical condition or to further validate scientific
18 testing or screening.

19 "Biometric information" means any information, regardless
20 of how it is captured, converted, stored, or shared, based on
21 an individual's biometric identifier used to identify an
22 individual. Biometric information does not include information
23 derived from items or procedures excluded under the definition
24 of biometric identifiers.

25 "Confidential and sensitive information" means personal
26 information that can be used to uniquely identify an individual

1 or an individual's account or property. Examples of
2 confidential and sensitive information include, but are not
3 limited to, a genetic marker, genetic testing information, a
4 unique identifier number to locate an account or property, an
5 account number, a PIN number, a pass code, a driver's license
6 number, or a social security number.

7 "Private entity" means any individual, partnership,
8 corporation, limited liability company, association, or other
9 group, however organized. A private entity does not include a
10 State or local government agency. A private entity does not
11 include any court of Illinois, a clerk of the court, or a judge
12 or justice thereof.

13 "Written release" means informed written consent or, in the
14 context of employment, a release executed by an employee as a
15 condition of employment.

16 Section 15. Retention; collection; disclosure;
17 destruction.

18 (a) A private entity in possession of biometric identifiers
19 or biometric information must develop a written policy, made
20 available to the public, establishing a retention schedule and
21 guidelines for permanently destroying biometric identifiers
22 and biometric information when the initial purpose for
23 collecting or obtaining such identifiers or information has
24 been satisfied or within 3 years of the individual's last
25 interaction with the private entity, whichever occurs first.